

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 603

Introduced by Assembly Member Garcia
(Coauthors: Assembly Members Samuelian and Strickland)

February 19, 2003

An act to amend Section 18370 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Garcia. Polling places.

Under existing law, no one may place a sign as to voter qualifications or speak to a voter about his or her qualifications within 100 feet of a polling place, and a violation is a misdemeanor.

This bill would provide that, in addition, no one may ~~place a sign displaying any insignia or slogan identified with a particular candidate within 100 feet of a polling place or~~ do any electioneering, as defined by the bill, and to do so would be a misdemeanor. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18370 of the Elections Code is amended
2 to read:
3 18370. No person, on election day, or at any time that a voter
4 may be casting a ballot, shall, within 100 feet of a polling place or
5 an elections official's office:
6 (a) Circulate an initiative, referendum, recall, or nomination
7 petition or any other petition.
8 (b) Solicit a vote or speak to a voter on the subject of marking
9 his or her ballot.
10 (c) Place a sign relating to voters' qualifications ~~or displaying~~
11 ~~any insignia or registered trademark slogan used by any~~
12 ~~organization that endorsed any candidate listed on the ballot or~~
13 speak to a voter on the subject of his or her qualifications except
14 as provided in Section 14240.
15 (d) Do any electioneering, hereby defined as campaigning for
16 or against a candidate, ballot question, or political party by one of
17 the following:
18 (1) Posting signs relating to the support of or opposition to a
19 candidate, ballot question, or political party.
20 (2) Distributing literature relating to the support of or
21 opposition to a candidate, ballot question, or political party.
22 (3) Using loudspeakers to broadcast information relating to the
23 support of or opposition to a candidate, ballot question, or political
24 party.
25 ~~(4) Buying, selling, wearing, or displaying any badge, button,~~
26 ~~or other insignia which is designed to or tends to aid or promote~~
27 ~~the success or defeat of any candidate, ballot question, or political~~
28 ~~party.~~
29 ~~(5)~~
30 (4) Polling or otherwise soliciting from a voter information as
31 to whether the voter intends to vote or has voted for or against any
32 candidate, ballot question, or political party.
33 ~~(6)~~
34 (5) Soliciting signatures to any petition.



1 As used in this section, “100 feet of a polling place or an
2 elections official’s office” means a distance 100 feet from the
3 room or rooms in which voters are signing the roster and casting
4 ballots.

5 Any person who violates any of the provisions of this section is
6 guilty of a misdemeanor.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

